

Executive Office for Immigration Review
Office of the Immigration Judge
Houston, Texas

LOCAL OPERATING PROCEDURES

Procedure 1. General

All matters shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at that time.

Procedure 2. Filing Procedures

All documents and applications shall be filed at the public window of the Office of the Immigration Judge during regular hours as posted in the Office of the Immigration Judge or as otherwise ordered by the presiding Immigration Judge. All copies of documents and applications specifically for the trial attorneys shall be mailed directly to them, or placed in the box provided on the office door.

In addition to complying with 8 C.F.R. 3.29¹ and 3.30², all documents and applications shall be two-hole punched at the top of the page with holes 2-3/4 inches apart. All exhibits and documents exceeding five (5) pages in length shall be paginated and shall have as a first page a table of contents with page number identification. The use of exhibit tabs with letter designation is required. Nonconforming documents will not be accepted for filing by the court clerk. All proposed exhibits and briefs must be filed with the Office of the Immigration Judge no later than ten (10) calendar days prior to the scheduled individual calendar hearing unless otherwise authorized by the Immigration Judge.

Procedure 3. Continuances of Master and Individual Calendar Hearings

Parties seeking a continuance of any scheduled Individual Calendar Hearing before an Immigration Judge shall file a written motion for continuance no less than ten (10) calendar days prior to the scheduled hearing. The motion shall include the case name or respondent's/applicant's name and file number, the name of the Immigration Judge before whom the matter is set, and the reason(s) that the continuance is requested. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed. Motions for continuance within the ten-day period prior to the hearing will be considered only in the event of a bona fide emergency.

? ¹ Reworded and redesignated 8 C.F.R. 3.31.?

? ² Reworded and redesignated 8 C.F.R. 3.32.?

Procedure 4. Motions for Change of Venue

In addition to complying with 8 C.F.R. 3.19³, 3.22(a)⁴ and 3.30⁵, all written motions for change of venue shall contain the respondent's/applicant's plea to the allegations and charge(s) contained in the charging document; the designation of a country in the event of deportation or a declination to designate such a country; the relief, if any, which respondent/applicant will be requesting at the court; the date and time of any scheduled hearing; the reasons for the request; and the name of the Immigration Judge before whom any hearing may have occurred prior to the filing of the motion to change venue.

Procedure 5. Opposition to Motions

In accordance with 8 C.F.R. 3.22⁶, except as otherwise ordered by the Immigration Judge, any party opposing a motion served in accordance with the provisions of 8 C.F.R. 3.13 and 3.30⁷ shall, no later than ten (10) days after the filing of the motion, file with the court a written response to said motion. Failure to timely respond shall result in a finding that the motion is unopposed.

Procedure 6. Withdrawal/Substitution of Representation

- A) Withdrawal of representation shall be requested by a written or oral motion to withdraw addressed to the Immigration Judge to whom the matter is assigned, and shall set forth the following:
- 1) The reason(s) for the request to withdraw;
 - 2) Evidence of the client's consent to withdrawal, or a statement as to why such consent is unavailable;
 - 3) The current or last-known address of the client; and
 - 4) A statement as to whether or not the client was advised of any currently scheduled hearings, and if not, the efforts made to contact and notify the client.
- B) Counsel shall continue to be considered by the court as counsel of record until a request to withdraw has been approved by the court.
- C) Substitutions of representation shall be requested by written or oral motion addressed to the Immigration Judge to whom the matter is assigned, accompanied by an EOIR Form 28 (Notice of Entry of Appearance) completed by the attorney or representative to be substituted.

? ³ Reworded and redesignated 8 C.F.R. 3.20.?

? ⁴ Redesignated 8 C.F.R. 3.23(a).?

? ⁵ See note 2.?

? ⁶ Reworded and redesignated 8 C.F.R. 3.23.?

? ⁷ See note 2.?